

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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)
Buckley et al.) Art Unit: 2617
)
Serial No.: 10/696,806) Examiner: Casca, Fred A.
)
Filing Date: 10/30/2003) Docket No.: 555255012612
)

Entitled: “METHODS AND APPARATUS FOR THE COMMUNICATION OF
CELLULAR NETWORK INFORMATION BETWEEN A WIRELESS LOCAL AREA
NETWORK AND A MOBILE STATION”

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

VERIFIED STATEMENT OF FACTS OF DAVID B. COCHRAN

I, David B. Cochran, affiant herein, state and declare as follows:

1. I am a patent attorney, registered to practice before the USPTO, registration number 39,142.
2. I have represented Research In Motion Limited, a Canadian company having a primary place of business of 295 Phillip Street, Waterloo, Ontario, Canada N2L 3W8, before the USPTO in various matters.

3. The sole inventor of the claimed invention of this patent application is Mr. Adrian Buckley, a British citizen, who resides in the United States at 413 Montclair, Tracy, California, 95276, U.S.A.
4. I filed the patent application on 30 October 2003 with the USPTO. At the time of filing I was unaware that Mr. Buckley was a U.S. resident. It was my understanding that he was a resident of Canada.
5. Concurrent with the filing of the patent application, and prior to issuance of a foreign filing license, I instructed a European associate to file a European patent application with the European patent office on the same date, that is, 30 October 2003.
6. Responsive to my instructions, a European patent application, substantially identical to the corresponding patent application filed in the USPTO was filed on 30 October 2003 and constitutes the unlicensed patent application.
7. A foreign filing license in the above-captioned patent application was granted by the USPTO on 03 February 2004 together with the issuance of the filing receipt.
8. The subject matter of the patent application was not under a secrecy order at the time it was filed abroad and that it is not currently under a secrecy order.
9. In almost every other patent matter that I handled on behalf of Research In Motion Limited, the inventors resided in Canada, or elsewhere outside of United States. With those other patent matters, I regularly caused patent applications to be filed both before the USPTO and the EPO on the concurrent dates pursuant to standard operating instructions of Research In Motion Limited.

10. When I provided instructions to the European associate to file the subject patent application with the EPO on 30 October 2003, I did not believe that a foreign filing license was required because of my belief that Mr. Buckley was not a resident of the United States. I believe that I caused the patent application to be filed abroad through error and without deceptive intent without first obtaining the required license.

11. I was not alerted to any problem relating to the filing abroad of the patent application without first obtaining the foreign filing license while the patent application was under my prosecution management.

12. Prosecution management of the patent application was transferred from me to John J. Oskorep, Esq. on 30 September 2004.

13. I am aware that willful statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application and any patent issuing thereon. I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,


David B. Cochran
Reg. No. 39,142

Date:

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